

Subject: RE: Attorney-client privileged materials on Ron Janbakhsh's phone
Date: Tuesday, July 9, 2024 at 4:40:36 PM Central Daylight Time
From: Booth, Kathryn (USATNM)
To: Howard, Ty, Nokes, Scarlett, pbruno@barrettjohnston.com, Alex Little, Zachary Lawson, Musah, Ocasha
CC: Suedekum, Chris (USATNM)
Category: Filed to Clio
Attachments: image001.jpg

Ty,

On June 26, we notified you that we inadvertently produced material that is protected by the attorney-client privilege of a third party. Specifically, the material includes communications between Ron Janbakhsh and his counsel. As noted in my original email, the prosecution team has not itself examined those communications, because we immediately stopped our review once we identified the potentially privileged communications. Mr. Janbakhsh's counsel subsequently confirmed the material is privileged and that he did not waive privilege. We then requested you terminate your review of the material and to delete or return it.

In response, you have sent us a letter demanding that we produce a variety of irrelevant information about the Government's investigation. This is not an opportunity for a fishing expedition. Ron Janbakhsh and his counsel have identified privileged communications, are asserting privilege, and have advised that the disclosure of such was inadvertent. In accordance with that, we have instructed you to return or destroy those communications. We are trying to give you an opportunity to voluntarily comply with your ethical obligations under TN R. Prof. Cond. 4.4 to abide by our instruction to return/delete the information. If you refuse to do so, we will notify the court and seek a court order regarding your refusal to return inadvertently disclosed privileged information.

Please let us know whether you intend to give back the privileged information or otherwise delete it by tomorrow, July 10th. If not, we will file a motion with the Court.

Kat



Kathryn W. Booth | Deputy Criminal Chief, White Collar Crime
U.S. Attorney's Office for the
Middle District of Tennessee
719 Church Street, Suite 3300
Nashville, TN 37203
(615) 736-5151 (office) | (615) 401-6626 (facsimile)
Email: Kathryn.Booth@usdoj.gov

From: Howard, Ty <thoward@bradley.com>

Sent: Tuesday, July 9, 2024 2:32 PM

To: Booth, Kathryn (USATNM) <kbooth@usa.doj.gov>; Nokes, Scarlett <snokes@bradley.com>; pbruno@barrettjohnston.com; Alex Little <alex@litson.co>; Zachary Lawson <zack@litson.co>; Musah, Ocasha <omusah@bradley.com>

Cc: Suedekum, Chris (USATNM) <csuedekum@usa.doj.gov>

Subject: [EXTERNAL] RE: Attorney-client privileged materials on Ron Janbakhsh's phone

Kat – Apologies for the delay. I've attached a letter responding to your email and seeking some additional information so we can properly evaluate the issues. Thanks.

Ty

Ty E. Howard

Partner | [Bradley](https://www.bradley.com)
thoward@bradley.com
d: 615.252.2376

From: Booth, Kathryn (USATNM) <Kathryn.Booth@usdoj.gov>

Sent: Monday, July 8, 2024 4:57 PM

To: Howard, Ty <thoward@bradley.com>; Nokes, Scarlett <snokes@bradley.com>; pbruno@barrettjohnston.com; Alex Little <alex@litson.co>; Zachary Lawson <zack@litson.co>

Cc: Suedekum, Chris (USATNM) <Chris.Suedekum@usdoj.gov>

Subject: RE: Attorney-client privileged materials on Ron Janbakhsh's phone

Hey guys –

Just following up. Could you please confirm that you have terminated your review of the phone and deleted any privileged material? Do you want us to provide you with a copy of the phone without the privileged material on it?

Kat



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Email: Kathryn.Booth@usdoj.gov

From: Booth, Kathryn (USATNM) <kbooth@usa.doj.gov>

Sent: Wednesday, June 26, 2024 10:17 AM

To: Howard, Ty <thoward@bradley.com>; Nokes, Scarlett <snokes@bradley.com>;
pbruno@barrettjohnston.com; Alex Little <alex@litson.co>; Zachary Lawson <zack@litson.co>
Cc: Suedekum, Chris (USATNM) <csuedekum@usa.doj.gov>
Subject: Attorney-client privileged materials on Ron Janbakhsh's phone

All,

I'm reaching out because we recently learned that Ron Janbakhsh's phone, which we produced to you on January 30, 2024, contained a limited number of communications that are protected by the attorney-client privilege. In accordance with TN RPC 4.4, we are asking that you stop your review and any use of these privileged communications.

When agents took possession of Ron Janbakhsh's phone in late 2023, neither Mr. Janbakhsh nor his attorneys had been able to access it. In January 2024, agents gained access to the phone, and we expeditiously produced an image of the entire phone to you. At that time, neither the government nor Mr. Janbakhsh's counsel had conducted a complete review of the phone. During a subsequent review of the phone, agents discovered communications between Mr. Janbakhsh and his attorneys. Agents immediately stopped reviewing the phone and enlisted a filter agent to separate communications that could be subject to the attorney-client privilege. Those communications were not provided to the prosecution team, but were provided to Mr. Raybin and Mr. Abelow. Mr. Raybin has informed us that the communications are protected by the attorney-client privilege, and that he and his client did not intend to disclose any attorney-client communications when Mr. Janbakhsh provided his phone to the Government. Mr. Raybin has further notified us that Ron Janbakhsh is asserting privilege over those communications and has asked us to notify you of the issue and request to claw back the privileged material.

In accordance with TN RPC 4.4, we are requesting that you terminate any review of the information and ask that you either return or delete the privileged information (and of course refrain from using the privileged information). We are prepared to provide you with a new copy of the phone's contents that does not contain the attorney-client communications. Or, if you believe that you have the technical capability to segregate and delete the privileged communications, please let us know and we can discuss that as well. We are happy to talk through any of these issues by phone.

Kat



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